

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

NICOLE WEISZ,

Plaintiff,

v.

CCT HOLDINGS, LLC, ET AL.,

Defendants.

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CIVIL ACTION NO. 4:23-CV-541-ALM-  
AGD

**ORDER**

Pending before the court is Plaintiff Nicole Weisz’s Motion for Default Judgment as to Defendant CCT Holdings, LLC (“CCT”) (Dkt. #10). In her Complaint, Plaintiff states that CCT “violated the FLSA by failing to pay Weisz, a non-exempt sales representative, in accordance with the guarantees and protections of the FLSA,” specifically overtime pay (Dkt. #1 at pp. 1, 5). Weisz requests unpaid back wages, liquidated damages, litigation expenses and costs, injunctive relief, pre- and post-judgment interest, and attorneys’ fees (Dkt. #1 at p. 6). However, in the event that default judgment is granted, the court is unable to ascertain the correct amount of damages, if any. Moreover, while Plaintiff alleges that she “was not paid on a salaried basis,” she also states that her “contracts specified that her ‘salary’ was only meant to compensate her for less than forty hours per week.” (Dkt. #2 at p. 5). Accordingly, as pled, the court cannot determine whether Plaintiff is entitled to default judgment.

It is therefore **ORDERED** that, no later than *Friday, January 24, 2025*, Plaintiff shall:

- 1) Provide the court with any relevant employment contract(s) between CCT and Plaintiff;
- 2) Advise the court whether Plaintiff was a salaried employee or an hourly employee, and if hourly, state the hourly rate CCT paid to Plaintiff;
- 3) Argument and authorities supporting Plaintiff’s position that the “time and a half” calculation method is appropriate as opposed to the Fluctuating Work Week method

in light of Plaintiff's assertion that she was paid \$1,000 per week between May 27, 2022, and October 12, 2022 (Dkt. #10, Exhibit B).

**IT IS SO ORDERED.**

**SIGNED this 2nd day of January, 2025.**

  
AILEEN GOLDMAN DURRETT  
UNITED STATES MAGISTRATE JUDGE